

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 970

Introduced by Gay, 14; Kopplin, 3.

Read first time January 15, 2008

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-1008.01
2 and 79-10,126, Revised Statutes Cumulative Supplement,
3 2006, and sections 77-3442, 79-1008.02, 79-1015.01,
4 79-1022, 79-10,120, 79-2104, and 79-2111, Revised
5 Statutes Supplement, 2007; to eliminate certain taxing
6 authority of learning communities; to change state
7 aid calculations; to harmonize provisions; to repeal
8 the original sections; and to outright repeal sections
9 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Revised
10 Statutes Supplement, 2007.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3442, Revised Statutes Supplement,
2 2007, is amended to read:

3 77-3442 (1) Property tax levies for the support of local
4 governments for fiscal years beginning on or after July 1, 1998,
5 shall be limited to the amounts set forth in this section except as
6 provided in section 77-3444.

7 (2) (a) Except as provided in subdivision ~~(2)(e)~~ (2)(c)
8 of this section, school districts and multiple-district school
9 systems, ~~except learning communities and school districts that are~~
10 ~~members of learning communities,~~ may levy a maximum levy of one
11 dollar and five cents per one hundred dollars of taxable valuation
12 of property subject to the levy.

13 ~~(b) For each fiscal year, learning communities may levy~~
14 ~~a maximum levy for the general fund budgets of member school~~
15 ~~districts equal to the local effort rate prescribed in section~~
16 ~~79-1015.01 for such fiscal year. The proceeds from the levy~~
17 ~~pursuant to this subdivision shall be distributed pursuant to~~
18 ~~section 79-1073.~~

19 ~~(c) Except as provided in subdivision (2)(e) of this~~
20 ~~section, for each fiscal year, school districts that are members~~
21 ~~of learning communities may levy for purposes of such districts'~~
22 ~~general fund budget and special building funds a maximum combined~~
23 ~~levy of the difference of one dollar and five cents on each one~~
24 ~~hundred dollars of taxable property subject to the levy minus~~
25 ~~the learning community levies pursuant to subdivisions (2)(b) and~~

1 ~~(2)(g)~~ of this section for such learning community.

2 ~~(d)~~ (b) Excluded from the limitations in ~~subdivisions~~
3 subdivision (2) (a) and ~~(2)(e)~~ of this section are amounts levied
4 to pay for sums agreed to be paid by a school district to
5 certificated employees in exchange for a voluntary termination of
6 employment and amounts levied to pay for special building funds and
7 sinking funds established for projects commenced prior to April 1,
8 1996, for construction, expansion, or alteration of school district
9 buildings. For purposes of this subsection, commenced means any
10 action taken by the school board on the record which commits
11 the board to expend district funds in planning, constructing, or
12 carrying out the project.

13 ~~(e)~~ (c) Federal aid school districts may exceed the
14 maximum levy prescribed by subdivision (2) (a) ~~or (2)(e)~~ of this
15 section only to the extent necessary to qualify to receive
16 federal aid pursuant to Title VIII of Public Law 103-382, as
17 such title existed on September 1, 2001. For purposes of this
18 subdivision, federal aid school district means any school district
19 which receives ten percent or more of the revenue for its general
20 fund budget from federal government sources pursuant to Title VIII
21 of Public Law 103-382, as such title existed on September 1, 2001.

22 ~~(f)~~ (d) For school fiscal year 2002-03 through school
23 fiscal year 2007-08, school districts and multiple-district school
24 systems may, upon a three-fourths majority vote of the school board
25 of the school district, the board of the unified system, or the

1 school board of the high school district of the multiple-district
2 school system that is not a unified system, exceed the maximum
3 levy prescribed by subdivision (2) (a) of this section in an amount
4 equal to the net difference between the amount of state aid that
5 would have been provided under the Tax Equity and Educational
6 Opportunities Support Act without the temporary aid adjustment
7 factor as defined in section 79-1003 for the ensuing school fiscal
8 year for the school district or multiple-district school system
9 and the amount provided with the temporary aid adjustment factor.
10 The State Department of Education shall certify to the school
11 districts and multiple-district school systems the amount by which
12 the maximum levy may be exceeded for the next school fiscal year
13 pursuant to this subdivision ~~(f)~~ (d) of this subsection on or
14 before February 15 for school fiscal years 2004-05 through 2007-08.

15 ~~(g) For each fiscal year, learning communities may levy a~~
16 ~~maximum levy of two cents on each one hundred dollars of taxable~~
17 ~~property subject to the levy for special building funds for member~~
18 ~~school districts. The proceeds from the levy pursuant to this~~
19 ~~subdivision shall be distributed pursuant to section 79-1073.01.~~

20 ~~(h) (e)~~ (e) For each fiscal year, learning communities may
21 levy a maximum levy of five cents on each one hundred dollars of
22 taxable property subject to the levy for elementary learning center
23 facilities and for up to fifty percent of the estimated cost for
24 capital projects approved by the learning community coordinating
25 council pursuant to section 79-2111.

1 (3) Community colleges may levy a maximum levy calculated
2 pursuant to the Community College Foundation and Equalization Aid
3 Act on each one hundred dollars of taxable property subject to the
4 levy.

5 (4) (a) Natural resources districts may levy a maximum
6 levy of four and one-half cents per one hundred dollars of taxable
7 valuation of property subject to the levy.

8 (b) Natural resources districts shall also have the power
9 and authority to levy a tax equal to the dollar amount by which
10 their restricted funds budgeted to administer and implement ground
11 water management activities and integrated management activities
12 under the Nebraska Ground Water Management and Protection Act
13 exceed their restricted funds budgeted to administer and implement
14 ground water management activities and integrated management
15 activities for FY2003-04, not to exceed one cent on each one
16 hundred dollars of taxable valuation annually on all of the taxable
17 property within the district.

18 (c) In addition, natural resources districts located in
19 a river basin, subbasin, or reach that has been determined to
20 be fully appropriated pursuant to section 46-714 or designated
21 as overappropriated pursuant to section 46-713 by the Department
22 of Natural Resources shall also have the power and authority to
23 levy a tax equal to the dollar amount by which their restricted
24 funds budgeted to administer and implement ground water management
25 activities and integrated management activities under the Nebraska

1 Ground Water Management and Protection Act exceed their restricted
2 funds budgeted to administer and implement ground water management
3 activities and integrated management activities for FY2005-06, not
4 to exceed three cents on each one hundred dollars of taxable
5 valuation on all of the taxable property within the district for
6 fiscal year 2006-07 and each fiscal year thereafter through fiscal
7 year 2011-12.

8 (5) Educational service units may levy a maximum levy of
9 one and one-half cents per one hundred dollars of taxable valuation
10 of property subject to the levy.

11 (6) (a) Incorporated cities and villages which are not
12 within the boundaries of a municipal county may levy a maximum levy
13 of forty-five cents per one hundred dollars of taxable valuation
14 of property subject to the levy plus an additional five cents per
15 one hundred dollars of taxable valuation to provide financing for
16 the municipality's share of revenue required under an agreement
17 or agreements executed pursuant to the Interlocal Cooperation Act
18 or the Joint Public Agency Act. The maximum levy shall include
19 amounts levied to pay for sums to support a library pursuant
20 to section 51-201, museum pursuant to section 51-501, visiting
21 community nurse, home health nurse, or home health agency pursuant
22 to section 71-1637, or statue, memorial, or monument pursuant to
23 section 80-202.

24 (b) Incorporated cities and villages which are within the
25 boundaries of a municipal county may levy a maximum levy of ninety

1 cents per one hundred dollars of taxable valuation of property
2 subject to the levy. The maximum levy shall include amounts paid
3 to a municipal county for county services, amounts levied to pay
4 for sums to support a library pursuant to section 51-201, a museum
5 pursuant to section 51-501, a visiting community nurse, home health
6 nurse, or home health agency pursuant to section 71-1637, or a
7 statue, memorial, or monument pursuant to section 80-202.

8 (7) Sanitary and improvement districts which have been in
9 existence for more than five years may levy a maximum levy of forty
10 cents per one hundred dollars of taxable valuation of property
11 subject to the levy, and sanitary and improvement districts which
12 have been in existence for five years or less shall not have
13 a maximum levy. Unconsolidated sanitary and improvement districts
14 which have been in existence for more than five years and are
15 located in a municipal county may levy a maximum of eighty-five
16 cents per hundred dollars of taxable valuation of property subject
17 to the levy.

18 (8) Counties may levy or authorize a maximum levy of
19 fifty cents per one hundred dollars of taxable valuation of
20 property subject to the levy, except that five cents per one
21 hundred dollars of taxable valuation of property subject to the
22 levy may only be levied to provide financing for the county's
23 share of revenue required under an agreement or agreements executed
24 pursuant to the Interlocal Cooperation Act or the Joint Public
25 Agency Act. The maximum levy shall include amounts levied to pay

1 for sums to support a library pursuant to section 51-201 or museum
2 pursuant to section 51-501. The county may allocate up to fifteen
3 cents of its authority to other political subdivisions subject
4 to allocation of property tax authority under subsection (1) of
5 section 77-3443 and not specifically covered in this section to
6 levy taxes as authorized by law which do not collectively exceed
7 fifteen cents per one hundred dollars of taxable valuation on any
8 parcel or item of taxable property. The county may allocate to
9 one or more other political subdivisions subject to allocation
10 of property tax authority by the county under subsection (1) of
11 section 77-3443 some or all of the county's five cents per one
12 hundred dollars of valuation authorized for support of an agreement
13 or agreements to be levied by the political subdivision for the
14 purpose of supporting that political subdivision's share of revenue
15 required under an agreement or agreements executed pursuant to the
16 Interlocal Cooperation Act or the Joint Public Agency Act. If an
17 allocation by a county would cause another county to exceed its
18 levy authority under this section, the second county may exceed the
19 levy authority in order to levy the amount allocated.

20 (9) Municipal counties may levy or authorize a maximum
21 levy of one dollar per one hundred dollars of taxable valuation
22 of property subject to the levy. The municipal county may allocate
23 levy authority to any political subdivision or entity subject to
24 allocation under section 77-3443.

25 (10) Property tax levies for judgments, except judgments

1 or orders from the Commission of Industrial Relations, obtained
2 against a political subdivision which require or obligate a
3 political subdivision to pay such judgment, to the extent such
4 judgment is not paid by liability insurance coverage of a
5 political subdivision, for preexisting lease-purchase contracts
6 approved prior to July 1, 1998, for bonded indebtedness approved
7 according to law and secured by a levy on property, and for
8 payments by a public airport to retire interest-free loans from the
9 Department of Aeronautics in lieu of bonded indebtedness at a lower
10 cost to the public airport are not included in the levy limits
11 established by this section.

12 (11) The limitations on tax levies provided in this
13 section are to include all other general or special levies
14 provided by law. Notwithstanding other provisions of law, the
15 only exceptions to the limits in this section are those provided by
16 or authorized by sections 77-3442 to 77-3444.

17 (12) Tax levies in excess of the limitations in this
18 section shall be considered unauthorized levies under section
19 77-1606 unless approved under section 77-3444.

20 (13) For purposes of sections 77-3442 to 77-3444,
21 political subdivision means a political subdivision of this state
22 and a county agricultural society.

23 Sec. 2. Section 79-1008.01, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 79-1008.01 (1) Except as provided in subsection (2) of

1 this section and sections 79-1008.02 to 79-1010, each local system
2 shall receive equalization aid in the amount that the total formula
3 need of each local system, as determined pursuant to sections
4 79-1007.01 to 79-1007.10, exceeds its total formula resources as
5 determined pursuant to sections 79-1015.01 to 79-1018.01.

6 (2) Except as provided in section 79-1008.02, a local
7 system shall not receive state aid for any school fiscal year,
8 except school fiscal years 2002-03 through 2007-08, which is less
9 than an amount equal to the difference of eighty-five percent of
10 the amount of aid certified in the preceding school fiscal year
11 minus an amount equal to any increase in the adjusted valuation
12 between the adjusted valuation used for the certification of aid in
13 the preceding school fiscal year and the adjusted valuation used
14 for the aid being calculated multiplied by the maximum levy, for
15 the school fiscal year for which aid is being certified, pursuant
16 to subdivision (2)(a) ~~or (b)~~ of section 77-3442 without a vote
17 pursuant to section 77-3444.

18 (3) Except as provided in section 79-1008.02, a local
19 system shall not receive state aid for school fiscal years
20 2002-03 through 2007-08 which is less than an amount equal to
21 the difference of eighty-three and three-fourths percent of the
22 amount of aid certified in the preceding school fiscal year minus
23 an amount equal to any increase in the adjusted valuation between
24 the adjusted valuation used for the certification of aid in the
25 preceding school fiscal year and the adjusted valuation used for

1 the aid being calculated multiplied by the maximum levy, for the
2 school fiscal year for which aid is being certified, pursuant to
3 subdivision (2) (a) of section 77-3442 without a vote pursuant to
4 section 77-3444.

5 (4) Except as provided in subsection (2) or (3) of this
6 section, no local system may receive equalization aid such that,
7 when total aid is added to a levy ten cents less than the maximum
8 levy, for the school fiscal year for which aid is being certified,
9 pursuant to subdivision (2) (a) ~~or (b)~~ of section 77-3442 without a
10 vote pursuant to section 77-3444, multiplied by the local system's
11 adjusted valuation, would result in total local system revenue from
12 state aid plus property tax receipts which exceeds the total of:

13 (a) The sum of state aid, receipts from other school
14 districts related to annexation, and property tax receipts received
15 by the local system during the preceding school fiscal year
16 multiplied by the total of (i) 1.01 plus (ii) the applicable
17 allowable growth rate for the local system calculated pursuant
18 to section 79-1026 as determined for the school fiscal year
19 immediately preceding the school fiscal year when aid is to be
20 distributed plus (iii) the percentage growth in formula students
21 from the certification of state aid for the immediately preceding
22 school fiscal year to the formula students for the certification
23 of state aid for the current school fiscal year, except that the
24 percentage growth shall not be less than zero;

25 (b) Unused budget authority authorized pursuant to

1 section 79-1030 for all school districts in the local system;

2 (c) The difference between the other actual receipts
3 included in local system formula resources for the certification
4 of state aid in the preceding school fiscal year and other
5 actual receipts included in local system formula resources for the
6 certification of state aid for the current school fiscal year,
7 except that such difference shall not be less than zero; and

8 (d) The absolute value of any negative prior year
9 adjustment pursuant to section 79-1065.

10 For local systems that have reorganized, state aid,
11 property tax receipts, and number of formula students shall
12 be attributed based on valuation. The formation of a learning
13 community shall be considered a reorganization for purposes of
14 this subsection. The revenue from property tax receipts shall be
15 calculated by multiplying the reported general fund common levy by
16 the assessed valuation subject to the levy divided by one hundred.

17 (5) For all school fiscal years except school fiscal
18 years 2002-03 through 2007-08, the aid that is not distributed
19 through equalization based on subsection (4) of this section
20 shall be distributed through this subsection to the extent local
21 systems qualify for such distributions. Local systems qualify
22 for distribution under this subsection if they have nine hundred
23 or less formula students and adjusted general fund operating
24 expenditures per formula student less than the average for all
25 local systems with nine hundred or less formula students. The aid

1 shall be distributed proportionally to qualifying districts based
2 on the dollar amount each local system's calculated state aid plus
3 the product of a levy of one dollar multiplied by the assessed
4 valuation divided by one hundred is below ninety percent of state
5 aid plus property tax receipts received by the local system during
6 the preceding school fiscal year. No system shall receive aid
7 pursuant to this subsection such that the calculated state aid plus
8 the product of a levy of one dollar multiplied by the assessed
9 valuation divided by one hundred is ninety percent or more of state
10 aid plus property tax receipts received by the local system during
11 the preceding school fiscal year.

12 (6) For school fiscal years 2002-03 through 2007-08,
13 the aid that is not distributed through equalization based on
14 subsection (3) of this section shall be distributed through
15 this subsection to the extent local systems qualify for such
16 distributions. Local systems qualify for distribution under this
17 subsection if they have nine hundred or less formula students and
18 adjusted general fund operating expenditures per formula student
19 less than the average for all local systems with nine hundred or
20 less formula students. The aid shall be distributed proportionally
21 to qualifying districts based on the dollar amount each local
22 system's calculated state aid plus the product of a levy equal to
23 the maximum levy, for the school fiscal year for which aid is being
24 certified, pursuant to subdivision (2) (a) ~~or (b)~~ of section 77-3442
25 without a vote pursuant to section 77-3444, multiplied by the

1 assessed valuation is below eighty-eight and three-fourths percent
2 of state aid plus property tax receipts received by the local
3 system during the preceding school fiscal year. No system shall
4 receive aid pursuant to this subsection such that the calculated
5 state aid plus the product of a levy equal to the maximum levy, for
6 the school fiscal year for which aid is being certified, pursuant
7 to subdivision (2)(a) ~~or (b)~~ of section 77-3442 without a vote
8 pursuant to section 77-3444, multiplied by the assessed valuation
9 is eighty-eight and three-fourths percent or more of state aid
10 plus property tax receipts received by the local system during the
11 preceding school fiscal year.

12 Sec. 3. Section 79-1008.02, Revised Statutes Supplement,
13 2007, is amended to read:

14 79-1008.02 A minimum levy adjustment shall be calculated
15 and applied to any local system that has a general fund common
16 levy for the fiscal year during which aid is certified that
17 is less than the maximum levy, for such fiscal year for such
18 local system, allowed pursuant to subdivision (2)(a) ~~or (b)~~ of
19 section 77-3442 without a vote pursuant to section 77-3444 less
20 ~~two ten cents for learning communities and less ten cents for all~~
21 ~~other local systems.~~ To calculate the minimum levy adjustment, the
22 department shall subtract the local system general fund common levy
23 for such fiscal year for such local system from the maximum levy
24 allowed pursuant to subdivision (2)(a) ~~or (b)~~ of section 77-3442
25 without a vote pursuant to section 77-3444 less ~~two ten cents for~~

1 ~~learning communities and less ten cents for all other local systems~~
2 and multiply the result by the local system's adjusted valuation
3 divided by one hundred. The minimum levy adjustment shall be added
4 to the formula resources of the local system for the determination
5 of equalization aid pursuant to section 79-1008.01. If the minimum
6 levy adjustment is greater than or equal to the allocated income
7 tax funds calculated pursuant to section 79-1005.01 or 79-1005.02,
8 the local system shall not receive allocated income tax funds. If
9 the minimum levy adjustment is less than the allocated income tax
10 funds calculated pursuant to section 79-1005.01 or 79-1005.02, the
11 local system shall receive allocated income tax funds in the amount
12 of the difference between the allocated income tax funds calculated
13 pursuant to section 79-1005.01 or 79-1005.02 and the minimum levy
14 adjustment. ~~This section does not apply to the calculation of aid~~
15 ~~for a local system containing a learning community for the first~~
16 ~~school fiscal year for which aid is calculated for such local~~
17 ~~system.~~

18 Sec. 4. Section 79-1015.01, Revised Statutes Supplement,
19 2007, is amended to read:

20 79-1015.01 (1) Local system formula resources shall
21 include local effort rate yield which shall be computed as
22 prescribed in this section.

23 (2) For state aid certified pursuant to section 79-1022,
24 the local effort rate shall be the maximum levy, for the school
25 fiscal year for which aid is being certified, authorized pursuant

1 to subdivision (2)(a) ~~or (e)~~ of section 77-3442 less ten cents.
2 For the final calculation of state aid pursuant to section 79-1065,
3 the local effort rate shall be the rate which, when multiplied
4 by the total adjusted valuation of all taxable property in local
5 systems receiving equalization aid pursuant to the Tax Equity and
6 Educational Opportunities Support Act, will produce the amount
7 needed to support the total formula need of such local systems
8 when added to state aid appropriated by the Legislature and other
9 actual receipts of local systems described in section 79-1018.01.
10 The local effort rate yield shall be determined by multiplying each
11 local system's total adjusted valuation by the local effort rate.

12 Sec. 5. Section 79-1022, Revised Statutes Supplement,
13 2007, is amended to read:

14 79-1022 (1) On or before February 1 of each year, the
15 department shall determine the amounts to be distributed to each
16 local system and each district pursuant to the Tax Equity and
17 Educational Opportunities Support Act and shall certify the amounts
18 to the Director of Administrative Services, the Auditor of Public
19 Accounts, ~~each learning community,~~ and each district. The amount
20 to be distributed to each district ~~that is not a member of a~~
21 ~~learning community~~ from the amount certified for a local system
22 shall be proportional based on the weighted formula students
23 attributed to each district in the local system. ~~For the first~~
24 ~~five complete school fiscal years for a learning community,~~ the
25 ~~amount to be distributed to each district that is a member of~~

1 such learning community shall be determined pursuant to section
2 79-1015. For each school fiscal year thereafter, the amount to
3 be distributed to each district that is a member of a learning
4 community from the amount certified for the local system shall
5 be proportional based on the formula needs calculated for each
6 district in the local system. On or before February 1 of each
7 year, the department shall report the necessary funding level to
8 the Governor, the Appropriations Committee of the Legislature,
9 and the Education Committee of the Legislature. Certified state
10 aid amounts, including adjustments pursuant to section 79-1065.02,
11 shall be shown as budgeted non-property-tax receipts and deducted
12 prior to calculating the property tax request in the district's
13 general fund budget statement as provided to the Auditor of Public
14 Accounts pursuant to section 79-1024.

15 (2) Except as provided in subsection (8) of section
16 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
17 pursuant to subsection (1) of this section shall be distributed in
18 ten as nearly as possible equal payments on the last business day
19 of each month beginning in September of each ensuing school fiscal
20 year and ending in June of the following year, except that when a
21 school district is to receive a monthly payment of less than one
22 thousand dollars, such payment shall be one lump-sum payment on
23 the last business day of December during the ensuing school fiscal
24 year.

25 Sec. 6. Section 79-10,120, Revised Statutes Supplement,

1 2007, is amended to read:

2 79-10,120 The school board or board of education of a
3 Class II, III, IV, V, or VI school district may establish a
4 special fund for purposes of acquiring sites for school buildings
5 or teacherages, purchasing existing buildings for use as school
6 buildings or teacherages, including the sites upon which such
7 buildings are located, and the erection, alteration, equipping,
8 and furnishing of school buildings or teacherages and additions
9 to school buildings for elementary and high school grades and for
10 no other purpose. ~~For school districts that are not members of~~
11 ~~learning communities,~~ the The fund shall be established from the
12 proceeds of an annual levy, to be determined by the board, of
13 not to exceed fourteen cents on each one hundred dollars upon
14 the taxable value of all taxable property in the district which
15 shall be in addition to any other taxes authorized to be levied
16 for school purposes. Such tax shall be levied and collected as
17 are other taxes for school purposes. ~~For school districts that are~~
18 ~~members of a learning community,~~ such fund shall be established
19 ~~from the proceeds of the learning community special building funds~~
20 ~~levy directed to the school district for such purpose pursuant~~
21 ~~to subdivision (2)(g) of section 77-3442 and the proceeds of any~~
22 ~~school district special building fund levy pursuant to subdivision~~
23 ~~(2)(e) of section 77-3442.~~

24 Sec. 7. Section 79-10,126, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 79-10,126 A Class V school district ~~that is not a~~
2 ~~member of a learning community~~ shall establish (1) for the general
3 operation of the schools, such fund as will result from an annual
4 levy of such rate of tax upon the taxable value of all the
5 taxable property in such school district as the board of education
6 determines to be necessary for such purpose, (2) a fund resulting
7 from an annual amount of tax to be determined by the board of
8 education of not to exceed fourteen cents on each one hundred
9 dollars upon the taxable value of all the taxable property in the
10 district for the purpose of acquiring sites of school buildings
11 and the erection, alteration, equipping, and furnishing of school
12 buildings and additions to school buildings, which tax levy shall
13 be used for no other purposes, and (3) a further fund resulting
14 from an annual amount of tax to be determined by the board of
15 education to pay interest on and retiring, funding, or servicing of
16 bonded indebtedness of the district.

17 Sec. 8. Section 79-2104, Revised Statutes Supplement,
18 2007, is amended to read:

19 79-2104 A learning community coordinating council shall
20 have the authority to:

21 ~~(1) Levy and distribute a common levy for the general~~
22 ~~funds of member school districts pursuant to sections 77-3442 and~~
23 ~~79-1073,~~

24 ~~(2) Levy and distribute a common levy for the special~~
25 ~~building funds of member school districts pursuant to sections~~

1 ~~77-3442 and 79-1073.01,~~

2 ~~(3)~~ (1) Levy for capital projects approved by the
3 learning community coordinating council pursuant to sections
4 77-3442 and 79-2111;

5 ~~(4)~~ (2) Collect, analyze, and report data and
6 information;

7 ~~(5)~~ (3) Approve focus schools and programs to be operated
8 by member school districts;

9 ~~(6)~~ (4) Adopt, approve, and implement an integration and
10 diversity plan which shall include open enrollment and may include
11 focus schools, focus programs, and magnet pathways pursuant to
12 section 79-2110;

13 ~~(7)~~ (5) Administer the open enrollment provisions in
14 section 79-2110 for the learning community as part of a diversity
15 plan developed by the council to provide educational opportunities
16 which will result in increased diversity in schools across the
17 learning community;

18 ~~(8)~~ (6) Annually conduct school fairs to provide
19 students and parents the opportunity to explore the educational
20 opportunities available at each school in the learning community
21 and develop other methods for encouraging access to such
22 information and promotional materials;

23 ~~(9)~~ (7) Develop reorganization plans for submission
24 pursuant to the Learning Community Reorganization Act;

25 ~~(10)~~ (8) Establish and administer elementary learning

1 centers through achievement subcouncils pursuant to sections
2 79-2112 to 79-2114;

3 ~~(11)~~ (9) Administer the learning community funds
4 distributed to the learning community pursuant to section 79-2111;

5 ~~(12)~~ (10) Approve or disapprove poverty plans and limited
6 English proficiency plans for member school districts;

7 ~~(13)~~ (11) Establish a procedure for receiving community
8 input and complaints regarding the learning community; and

9 ~~(14)~~ (12) Establish a procedure to assist parents,
10 citizens, and member school districts in accessing an approved
11 center pursuant to the Dispute Resolution Act to resolve disputes
12 involving member school districts or the learning community. Such
13 procedure shall include payment by the learning community for such
14 mediation services.

15 Sec. 9. Section 79-2111, Revised Statutes Supplement,
16 2007, is amended to read:

17 79-2111 (1) A learning community may levy a maximum levy
18 pursuant to subdivision ~~(2)(h)~~ (2)(e) of section 77-3442 for the
19 purchase, construction, or remodeling of elementary learning center
20 facilities and up to fifty percent of the estimated costs for
21 capital projects approved pursuant to this section. The proceeds
22 from such levy shall be used for elementary learning center
23 facilities and for one-time reductions of the bonded indebtedness
24 required for approved projects up to fifty percent of the estimated
25 cost of the approved project. The funds used for reductions of

1 bonded indebtedness shall be transferred to the school district
2 for which the project was approved and shall be deposited in such
3 school district's special building fund for use on such project.

4 (2) The learning community may approve pursuant to this
5 section funding for capital projects which will include the
6 purchase, construction, or remodeling of facilities for (a) a focus
7 school or program designed to meet the requirements of section
8 79-769 or (b) a school or program that will otherwise specifically
9 attract a more economically and culturally diverse student body
10 than would otherwise attend a school or program in a facility at
11 that location. Such approval shall include an estimated cost for
12 the project and shall state the amount that will be provided by the
13 learning community for such project.

14 (3) If, within the ten years following receipt of the
15 funding for a capital project pursuant to this section, a school
16 district receiving such funding uses the facility purchased,
17 constructed, or remodeled with such funding for purposes other
18 than those stated to qualify for the funds, the school district
19 shall repay such funds to the learning community with interest at
20 the rate prescribed in section 45-104.02 accruing from the date
21 the funds were transferred to the school district's building fund
22 as of the last date the facility was used for such purpose as
23 determined by the learning community coordinating council or the
24 date that the learning community coordinating council determines
25 that the facility will not be used for such purpose or that

1 such facility will not be purchased, constructed, or remodeled
2 for such purpose. Interest shall continue to accrue on outstanding
3 balances until the repayment has been completed. The remaining
4 terms of repayment shall be determined by the learning community
5 coordinating council. The learning community coordinating council
6 may waive such repayment if the facility is used for a different
7 (a) focus school or program or (b) school or program that will
8 specifically attract a more economically and culturally diverse
9 student body than would attend a school or program in a facility at
10 that location for a period of time that will result in the use of
11 the facility for qualifying purposes for a total of at least ten
12 years.

13 Sec. 10. Original sections 79-1008.01 and 79-10,126,
14 Revised Statutes Cumulative Supplement, 2006, and sections 77-3442,
15 79-1008.02, 79-1015.01, 79-1022, 79-10,120, 79-2104, and 79-2111,
16 Revised Statutes Supplement, 2007, are repealed.

17 Sec. 11. The following sections are outright repealed:
18 Sections 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Revised
19 Statutes Supplement, 2007.